

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-14 remain pending in the application. By this amendment, claims 1 and 14 are amended.

In numbered paragraph 3 of the final Office Action, independent claims 1 and 14, along with all dependent claims, are rejected as being anticipated by U.S. Patent No. 4,456,086 (Wier et al.). This rejection is respectfully traversed.

Applicant has disclosed a lifting device, such as the exemplary lifting device 29 of the Applicant's Fig. 4, which can move the raising frame 21 upward and forward. As shown in dashed representation in Fig. 4, the footrest 24 is also raised, e.g., elevated in height. Accordingly, a person supported by the raising wheel chair can be lifted upward and forward, either in seated or raised posture. Because the raising frame 21 and the footrest 24 are raised, a person resting on the wheel chair can be physically elevated in relation to the wheel frame 11 in any given posture.

The foregoing features are broadly encompassed by claim 1, which recites, among other features, a lifting device for adjusting a height level of the raising frame both in a sitting and in a standing position, said raising frame comprising a seat and a back rest, wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is of such a construction that on a lifting operation the raising frame is moved both upward and forward, the lifting operation elevating the footrest in relation to the wheel frame. Claim 14 similarly recites, among other features, a lifting device for adjusting a height level of the raising frame both in a sitting and in a standing position, wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is of such a

construction that on a lifting operation the raising frame is moved both upward and forward, the lifting operation elevating the footrest in relation to the wheel frame.

The Wier et al. patent does not teach or suggest a raising wheel chair having a lifting device as claimed. The Examiner admits at paragraph 11 of the April 4, 2005 Advisory Action that "the small base (16) of Wier et al. does not elevate or the stationary footing (16) is not simultaneously elevated in height..." Independent claims 1 and 14 have been clarified to recite, among other features, "the lifting operation elevating the footrest in relation to the wheel frame." As suggested by the Examiner, claim 1 has also been clarified to recite "the raising frame being pivotable in relation to the footrest"; and claim 14 similarly has been clarified to recite "the seat being pivotable in relation to the foot rest."

Applicant's claims 1 and 14 are allowable over the Wier et al. patent. The remaining claims depend from independent claim 1 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. For example, as previously argued, the Wier et al. patent does not disclose "the lifting device comprises on each side of the chair telescopic guide means," as recited in claims 3 and 9; does not disclose "the telescopic guide means have a forward inclination from bottom to top," as recited in claim 4; and does not disclose "the wheel frame is provided with a middle wheel drive," as recited in claims 5 and 11. As such, the present application is in condition for allowance.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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